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Committees  
Economic Development, Small  
Business and Regulatory Reform VC  
Families and Human Services VC  
Government Operations  
Health Policy

# The Jacobs Report

**FOR IMMEDIATE RELEASE**  
**Friday, January 16, 2004**

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## **ANTI-ABORTION PETITION DRIVE MOVES FORWARD**

The Legislature opened its doors for the second half of the 2003-2004 Session when it convened at twelve o'clock noon on Wednesday. Even-numbered years are the continuation of the previous annum; all bills introduced over the past twelve-months continue in the process until they are defeated by vote, signed into law, or vetoed by the governor. At the conclusion of 2004, all bills remaining in mid-course are killed at Sine Die and the legislative cycle begins anew with the 2005-2006 legislative session in January 2005.

When hot-button measures are defeated, stonewalled, or face certain failure in their legislative quest to become law, there are second chance options involving voter referendums, ballot initiatives, and petition drives.

Opponents of a procedure commonly known as "partial birth" abortion are taking the petition drive route.

Disappointed by Governor Jennifer Granholm's 2003 veto of legislation banning the procedure, Right to Life of Michigan and the Michigan Catholic Conference formally launched a petition-gathering drive to put the partial birth ban question again before the Legislature—and this time it won't need the governor's signature to become law.

Although both legislative chambers passed the ban last year, it was clear that the Senate lacked support for a supermajority (a two-thirds majority vote) veto override. In order to put the vetoed issue before the Legislature again, 254,206 signatures of registered voters are needed.

Given the bottomless pool of money and the vast organization of the groups involved, there is little doubt they will gather the number of signatures needed. Supporters would then be enabled to enact the law by a simple majority vote in both legislative houses. This process, a mechanism found in the Michigan Constitution, is known as "The People's Veto Override." The governor cannot block such voter-initiated laws.

"The governor's veto will be overridden-not directly by the Legislature, but by the citizens of Michigan in conjunction with their elected representatives in the Legislature," said Barbara Listing, Right to Life president. "In essence, we will drain the ink from the governor's veto pen."

But Granholm press secretary Liz Boyd said the bill vetoed by the governor lacked a clear exemption to perform the procedure to protect a woman's health, and if the initiated law contains the same language, "it would undoubtedly be struck down by the courts."

## **SEN. BASHAM MOVES FORWARD WITH SMOKE-FREE DINING ACT**

Also frustrated by blockades in the legislative process, Senator Ray Basham is taking his crusade for smoke-free restaurants to the people.

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Joined by the American Cancer Society, American Lung Association, American Heart Association, Michigan Citizens for Smoke-free Air, and Tobacco-Free Michigan, Sen. Basham launched a new Web site ([www.smokefreediningpetition.com](http://www.smokefreediningpetition.com)) last week, rallying support behind statewide efforts to ban smoking in all public restaurants in Michigan.

"I have introduced the Michigan Smoke-free Dining Act on three occasions," Sen. Basham said. "Each time, powerful lobbyists from tobacco companies and the Michigan Restaurant Association have succeeded in thwarting this common-sense legislation. I hope that through these efforts, we will begin to force some action on this important public health issue."

Senate Bill 186 has been sitting for almost a year in the Senate Commerce and Labor Committee, which is chaired by Senator Jason Allen (R-Traverse City).

According to data from Michigan Citizens for Smoke-free Air, nearly three-quarters (73.9 percent) of adults in Michigan do not smoke. Data from the group reports that the top 10 Michigan cities offering the most smoke-free restaurants are Grand Rapids, Traverse City, Ann Arbor, Muskegon, Kalamazoo, Lansing, Flint, Jackson, and Troy.

Secondhand smoke has been classified by the U.S. Environmental Protection Agency as a Group A carcinogen because it is a known cause of lung cancer in humans and contains 4,000 chemicals including known toxins such as formaldehyde, benzene, and hydrogen cyanide.

Workers have been awarded unemployment, disability and worker's compensation benefits for illness due to exposure to secondhand smoke.

SB 186, also known as the Michigan Smoke-Free Dining Act states that: A food service establishment shall not allow smoking in the public areas of the food service establishment. Public areas include, but are not limited to, all areas of a food service establishment that are open to the public. The legislation does not apply to private clubs, fraternal organizations; private facilities served by a catering kitchen, private banquet rooms, and bowling centers that have less than 30 percent of their gross income from the sale of food.

Brad Williams, Senator Basham's Legislative Aide, explained that this petition drive isn't necessarily geared towards ballot placement. "Our preference is to create pressure for enacting this law through traditional legislative means," said Williams. "We want to show Sen. Allen and the rest of the Senate that SB 186 has great public support."

Senator Gilda Z. Jacobs (D-Huntington Woods) is a co-sponsor of this legislation. "I lost my father to lung cancer, so I know firsthand the horrible effects of smoking" she said. "Further, medical evidence demonstrates that secondhand smoke triggers asthma and respiratory diseases for those exposed to it. This is particularly problematic for workers who are forced to breathe smoke-filled air."

Smoke-free dining supporters encouraged to visit [www.smokefreediningpetition.com](http://www.smokefreediningpetition.com).

**State Senator Gilda Jacobs** represents the 14<sup>th</sup> Senate District, which includes Beverly Hills, Bingham Farms, Farmington, Farmington Hills, Ferndale, Franklin, Hazel Park, Huntington Woods, Lathrup Village, Oak Park, Pleasant Ridge, Royal Oak Township, Southfield, and Southfield Township. She is the Minority Vice Chair of the Families & Human Services Committee and the Economic Development, Small Business & Regulatory Reform Committee. She also serves on the Government Operations and Health Policy Committees.

**Constituents of the 14<sup>th</sup> District may contact Senator Jacobs at [sengjacobs@senate.michigan.gov](mailto:sengjacobs@senate.michigan.gov) or toll-free at 1-888-937-4453.**

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